IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 828 OF 2005

Arjun Narayan Mane & Ors..... ....Appellants.
V/s
Sou.Jayashri Dilip Kulkarni ....Respondent.

Mr.M.R.Deshpande, Adv. For the appellants.

Mr.S.S.Shah for respondent.

CORAM: A.P.DESHPANDE, J.
13/7/07

PC:

The respondent instituted a suit for perpetual injunction and therein moved an application for temporary injunction with a view to restrain the defendant/appellant from interfering or obstructing the plaintiff's possession. It is the case of the respondent that as temporary injunction application came to be rejected, the defendant dispossessed the plaintiff and hence the plaint was amended and relief of possession was claimed. The suit has been decreed by the trial Court holding that the plaintiff has established its title to the property whereas the defendant relied upon an alleged affidavit to substantiate the title. Both the Courts below have rightly held that the said document does not convey any title. Even otherwise the defendant has not led any evidence and the counsel for the defendant has not cross examined P.W.4-Trimbak. On appreciation of evidence an inescapable conclusion is reached by the Courts below that the plaintiff has established her title and right to possession and hence decreed the suit. First Appellate Court has rejected the appeal. Perused the judgment of the First Appellate Court. Same does not call for any interference. There is no substantial queston of law involved. Hence Second Appeal is summarily dismissed.